IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 13624 of 1994

Between:

B. Bhaskar S/o Ramaiah, TTD Service Garden Department
R/o Tirupathi, Chittoor District.

... PETITIONER

AND

1) The Executive Officer Tirumala Tirupathi Devasthanams, Tirupathi
2) The Garden Superintendent, Garden Department, TTDs, Tirupathi,

Chittor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly in the nature of writ of Mandamus declaring the action of the 1st respondent in absorbing the Petitioner as Gardener instead of Attender as arbitrary, discriminatory, unjust and illegal and consequently direct the 1st Respondent to absorb the petitioner as Attender with retrospective effect from 17-3-84 with notional seniority or alternatively direct the 1st respondent to convert the petitioner as Attender with all consequential benefits, and pass such other orders that the Court may deem fit in the circumstances of the case.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondents: MS.P.SARADA, Standing Counsel for T.T.D

The Court made the following:

O R D E R:-

This writ petition is filed seeking Mandamus to absorb the petitioner as `Attender' in Tirumala Tirupathi Devasthanams (for short "T.T.D") service, instead of Gardener with retrospective effect from 17.03.1984 with notional seniority, with all consequential benefits.

The petitioner states that he has been appointed in T.T.D in the year 1978 on NMR basis, and that he being an Orthopaedically Handicapped person with 40% disability in left hand cannot undertake any hard work, and that, he has been working in the Garden Office and discharging the duties of an Attender. The petitioner further states that number of persons in T.T.D have been converted to the post of Attender, since the post of Attender carry the same scale of pay. According to the T.T.D service Rules issued in G.O.Ms.No.1350 dated 2.8.1978, the qualification for appointment to the post of Attender in Class IV service in T.T.D was that one must read and write Telugu. Though the petitioner passed VII Class prior to his appointment, since he has been working in Garden office, he was absorbed as a Gardener.

The main grievance of the petitioner is that though he has been discharging the duties of an Attender since his entry into service in 1978, and eligible to hold the said post, yet he has been absorbed as Gardener with effect from 17.3.1984, without considering his representations to convert him as an Attender.

In the counter affidavit filed by the Executive Officer, T.T.D.,it is stated that the petitioner is a physically handicapped person, and for that reason, he is enjoying

Special Allowance applicable to Physically Handicapped persons (vide Proceedings Roc. No. TL3/41456/93, dated 11-6-1992), and he is drawing the said allowance along with his regular pay and other allowances. Though he represented the management for converting him as Attender, the same was negatived basing on the facts that the said posts have a clear distinction in the nature of work, and that the scale of pay for both the posts Viz. Gardener and Attender is one and the same. A Gardener is expected to work in the field with implements, whereas an Attender with the minimum educational qualification of 8th class is expected to attend the office works also.

Under the provisions of Section 95(5), the T.T.D Trust Board, vide Resolution No.857, dated 25-11-1993, have resolved the issue formulating certain guidelines for such conversions from Last Grade Service to Attender cadre. The said Resolution reads as under:

`` *Resolved to send back all the irregularly transferred attenders to their parent department''. Resolved to permit conversion from other categories subject to the condition:*

a. *that they should put in a minimum of ten years of service in the same cadre in last grade service;*

b. *must have completed 45 years of age;*

c. *subject to availability of vacancies in that cadre strength of Attenders. The guideline suggested in the Agenda for amending Rule 1060 are approved. They should be incorporated in the rules''*

Considering the facts and circumstances of the case, the petitioner is directed to make a fresh representation to the first respondent within two weeks from the date of receipt of a copy of this order, and on receipt of the same, the first respondent-Executive Officer, T.T.D is directed to consider the representation of the petitioner, in accordance with the Resolution and pass appropriate orders within a period of eight weeks from the date of receipt of this order

With the above directions, the Writ Petition is disposed of. No costs.

Sd/- (C.V.RAMA KRISHNA)

ASSISTANT REGISTRAR

15th July, 2004

Kk/Rar

To

1) The Executive Officer Tirumala Tirupathi Devasthanams, Tirupathi
2) The Garden Superintendent, Garden Department, TTDs, Tirupathi,

Chittor District.

3) 2CCs to Standing Counsel for T.T.D.,High Court of A.P,Hyd.(OUT)

4) 2CD copies